

**Listing of Claims:**

This listing of claims will replace all prior versions and listing of claims in the application.

These changes introduce no new matter and support for such is replete throughout the specification and claims as originally filed. These changes are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection on record.

1-34. (Cancelled).

35. (Withdrawn) A method for producing a chimeric negative strand RNA virus, comprising culturing host cell transfected with plasmid cDNAs containing a heterologous nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase protein, and recovering a chimeric virus from culture.

36. (Withdrawn) The method of Claim 35 wherein the host cell constitutively expresses the polymerase protein.

37. (Withdrawn) A chimeric virus recovered from the method of Claim 35.

38. (Withdrawn) A method for producing a chimeric negative strand RNA virus, comprising culturing a host cell transfected with plasmid DNAs containing a heterologous nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, and with plasmid DNAs containing nucleotide sequences which encode an RNA polymerase protein, and recovering a chimeric virus from culture.

39. (Withdrawn) The method of Claim 38 wherein the chimeric virus is influenza virus.

40. (Withdrawn) The method of Claim 39 wherein the heterologous RNA segment is derived from another strain of influenza virus.

41. (Withdrawn) A chimeric virus recovered from the method of Claim 39.

42. (Withdrawn) A method for producing a chimeric negative strand RNA virus comprising culturing a host cell transfected with plasmid cDNAs containing the nucleotide sequences encoding eight genomic segments from different strains of influenza virus, each of the segments comprising the reverse complement of an mRNA coding sequence for an RNA-directed RNA polymerase of a negative strand virus, wherein the host cell expresses an RNA polymerase protein, and recovering a chimeric virus from culture.

43. (Withdrawn) The method of Claim 42 wherein the host cell constitutively expresses the polymerase protein.

44. (Withdrawn) A chimeric virus recovered from the method of Claim 42.

45. (Withdrawn) A method of producing a chimeric negative strand RNA virus, comprising culturing a host cell transfected with plasmid cDNAs containing a heterologous nucleotide sequence comprising a sequence mutated from a wildtype sequence of the negative strand RNA virus, operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase protein and recovering a chimeric virus from culture.

46. (Withdrawn) The method of claim 45 wherein the sequence mutated is a site specific mutation.

47. (Withdrawn) The method of claim 45 wherein the virus is influenza.

48. (Previously Presented) A method for producing a negative strand RNA virus, comprising culturing a host cell transfected with plasmid cDNAs containing a nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase protein, and recovering a virus from culture.

49. (Previously Presented) The method of Claim 48 wherein the host cell constitutively expresses the polymerase protein.

50. (Previously Presented) A method for producing a negative strand RNA virus, comprising culturing a host cell transfected with plasmid DNAs containing a nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase

of a negative strand RNA virus, and with plasmid DNAs containing nucleotide sequences which encode an RNA polymerase protein, and recovering a virus from culture.

51. (Previously Presented) The method of Claim 48 or 50 wherein the virus is influenza virus.

52. (Previously Presented) The method of Claim 48 or 50 wherein the plasmid DNA contains a heterologous nucleotide sequence.

53. (Previously Presented) A virus recovered from the method of Claim 52.

Appl. No. 09/396,539

Response Dated April 1, 2004

Reply to Notice of Non-Compliant Amendment mailed October 24, 2004

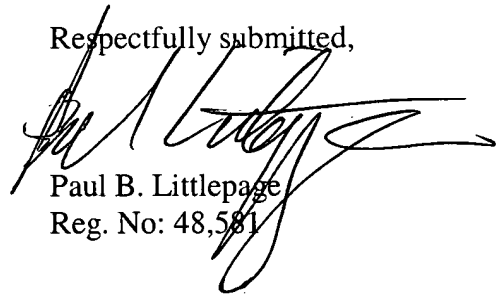
### CONCLUSION

Claims 48-53 were to be pending with entry of the response dated October 7, 2003, with claims 1-34 previously cancelled and claims 35-47 being withdrawn therein. In such response, however, information concerning claims 1-34 was inadvertently left out of the Listing of Claims. Claims 1-34 should have been noted as "Cancelled." Therefore, in response to the Notice of Non-Compliant Response mailed October 24, 2003, Applicants herein submit a complete Listing of Claims showing deposition of all claims. Applicants respectfully request that the above-corrected section of the response filed by Applicants on October 7, 2003 be entered.

In view of the foregoing, Applicants believe all sections of the response filed October 7, 2003 are now in proper form. **If the response is still deemed not to be in proper form after consideration of this response (in combination with the response filed October 7, 2003), a telephone interview with the Examiner is hereby requested.** Please telephone the undersigned at (510) 337-7871 to schedule an interview.

QUINE INTELLECTUAL PROPERTY LAW GROUP  
P.O. BOX 458, Alameda, CA 94501  
Tel: 510 337-7871  
Fax: 510 337-7877  
PTO Customer No.: **22798**  
Deposit Account No.: **50-0893**

Respectfully submitted,



Paul B. Littlepage  
Reg. No: 48,581

Attachments:

- 1) A transmittal sheet;
- 2) A petition to extend the period of response for 5 months; and,
- 3) A receipt indication postcard.